

AMENDED IN SENATE APRIL 6, 2015

SENATE BILL

No. 311

**Introduced by Senator Beall
(Coauthor: Senator Wieckowski)**

February 23, 2015

An act to ~~amend Section 8205 of the Education Code, relating to education programs~~ *add and repeal Article 7.5 (commencing with Section 8239.5) of Chapter 2 of Part 6 of Division 1 of Title 1 of the Education Code, relating to preschool, and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

SB 311, as amended, Beall. Child Care and Development Services ~~Act~~. *Act: preschool: Alum Rock Union Elementary School District: pilot project.*

Existing law provides that it is the intent of the Legislature that in providing child development programs the Superintendent of Public Instruction give priority to children of families that qualify under applicable federal statutes or regulations as recipients of public assistance and other low-income and disadvantaged families. *Existing law authorizes the City and County of San Francisco, until July 1, 2016, and as a pilot project, to develop and implement an individualized county child care subsidy plan, as provided. Existing law requires the Superintendent to administer all California state preschool programs, which include part-day age and developmentally appropriate programs for 3- and 4-year-old children, as provided. Existing law provides that 3- and 4-year-old children are eligible for the state part-day preschool program if the family meets one of several eligibility requirements, including income eligibility.*

~~This bill would make nonsubstantive changes to this law.~~

This bill would authorize the Alum Rock Union Elementary School District, located in the County of Santa Clara, as a pilot project until January 1, 2022, to develop and implement an individualized eligibility part-day preschool subsidy plan for children residing in the school district for purposes of attending a state-funded part-day preschool program in the school district. The bill would require the school district to consult with preschool programs, as defined, and the Santa Clara Office of Education in developing the plan. The bill would require the plan to include specified elements relating to eligibility and age of preschool program participation. The bill would require the plan to be submitted to, and approved by, the Santa Clara County Local Child Care Planning Council and the Early Education and Support Division of the State Department of Education. The bill would require the school district to submit an annual report to the Legislature and the department, as provided, and a final report on or before December 31, 2022.

This bill would make legislative findings and declarations as to the necessity for special legislation.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: majority ²/₃. Appropriation: no. Fiscal committee: no-yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Article 7.5 (commencing with Section 8239.5) is*
 2 *added to Chapter 2 of Part 6 of Division 1 of Title 1 of the*
 3 *Education Code, to read:*

4
 5 *Article 7.5. Individualized Eligibility Part-Day Preschool*
 6 *Subsidy Plan for Alum Rock Union Elementary School District*

7
 8 *8239.5. For purposes of this article, the following terms have*
 9 *the following meanings:*

10 *(a) "School district" means the Alum Rock Union Elementary*
 11 *School District, located in the County of Santa Clara.*

12 *(b) "Preschool program" means a state-funded part-day*
 13 *preschool program that operates in the school district.*

14 *8239.6. The school district, as a pilot project, may develop and*
 15 *implement an individualized eligibility part-day preschool subsidy*

1 *plan for children residing in the school district for purposes of*
2 *attending a preschool program in the school district. The plan*
3 *shall ensure that child care subsidies received by a preschool*
4 *program are used to address local needs, conditions, and priorities*
5 *of families in the school district and for preparing children for*
6 *kindergarten and grades 1 to 12, inclusive.*

7 *8239.7. Before implementing the plan, the school district, in*
8 *consultation with any preschool program and the Santa Clara*
9 *Office of Education, shall develop an individualized eligibility*
10 *part-day preschool subsidy plan that shall include both of the*
11 *following:*

12 *(a) Notwithstanding any other law, eligibility to participate in*
13 *the preschool program shall be based on either of the following*
14 *conditions:*

15 *(1) The child is eligible for free or reduced-price meals, as that*
16 *term is used in subdivision (a) of Section 42238.01.*

17 *(2) The child is a foster youth, as that term is used in subdivision*
18 *(b) of Section 42238.01.*

19 *(b) Notwithstanding any other law, children up to the age of*
20 *admission into first grade shall be allowed to participate in the*
21 *preschool program.*

22 *8239.8. The plan shall be submitted to, and approved by, the*
23 *Santa Clara County Local Child Care Planning Council and the*
24 *Early Education and Support Division of the department.*

25 *8239.9. (a) Upon approval of the plan, pursuant to Section*
26 *8239.8, the school district, in consultation with the preschool*
27 *program, the Santa Clara Office of Education, and First 5 Santa*
28 *Clara, shall prepare and submit an annual report to the Legislature*
29 *and the department that summarizes the success of the pilot project.*

30 *(b) The school district, in consultation with the preschool*
31 *program, the Santa Clara Office of Education, and First 5 Santa*
32 *Clara shall submit a final report to the Legislature and the*
33 *department on or before December 31, 2022, that shall provide*
34 *recommendations as to whether the pilot project should continue*
35 *as a permanent program.*

36 *(c) A report submitted to the Legislature pursuant to this section*
37 *shall be submitted in compliance with 9795 of the Government*
38 *Code.*

39 *8239.10. The school district may implement an individualized*
40 *eligibility part-day preschool subsidy plan as a pilot project*

1 pursuant to this article until January 1, 2022, at which date the
2 school district shall terminate the plan and implement the state's
3 requirements for subsidized part-day preschools. A child enrolling
4 for the first time in a preschool program in the school district after
5 January 1, 2022, shall not be enrolled in the pilot project
6 established pursuant to this article, and shall be subject to existing
7 state laws and regulations regarding preschool eligibility.

8 8239.11 This article shall remain in effect only until January
9 1, 2023, and as of that date is repealed, unless a later enacted
10 statute, that is enacted before January 1, 2023, deletes or extends
11 that date.

12 SEC. 2. The Legislature finds and declares that a special law
13 is necessary and that a general law cannot be made applicable
14 within the meaning of Section 16 of Article IV of the California
15 Constitution because of the unique circumstances of the Alum Rock
16 Union Elementary School District, in the County of Santa Clara.
17 The school district has a high level of children who live in poverty,
18 children who are English language learners, children who are
19 part of a minority group, and children who are exposed to violence
20 in their community. The school district is particularly focused on
21 significantly increasing pupil achievement and parent engagement
22 and this act will achieve this by offering preschool services to
23 children and families in the school district.

24 SEC. 3. This act is an urgency statute necessary for the
25 immediate preservation of the public peace, health, or safety within
26 the meaning of Article IV of the Constitution and shall go into
27 immediate effect. The facts constituting the necessity are:

28 The start of a the 2015–16 school year begins in August. This
29 act will prevent needless hours and paperwork to certify eligibility
30 past the August start date. Therefore, in order to eliminate the
31 barriers for families to access state preschool and to remove the
32 paperwork burden on families and agencies in time for the new
33 school year, it is necessary that this act take effect immediately.

34 SECTION 1. ~~Section 8205 of the Education Code is amended~~
35 ~~to read:~~

36 ~~8205. It is the intent of the Legislature that in providing child~~
37 ~~development programs the Superintendent give priority to children~~
38 ~~of families that qualify under applicable federal statutes or~~
39 ~~regulations as recipients of public assistance and other low-income~~
40 ~~and disadvantaged families. Federal reimbursement shall be~~

- 1 ~~claimed for any child receiving services pursuant to this chapter~~
- 2 ~~for whom federal funds are available.~~

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